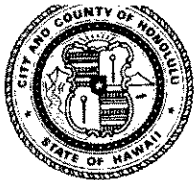


TO: CLK MAIN



NO. 704 P. 1
FROM: COUNCIL DELA CRUZ

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065 / TELEPHONE 547-7000

AUG 10 7 01 AM '07

DONOVAN M. DELA CRUZ
COUNCILMEMBER, DISTRICT 2
CHAIR, COMMITTEE ON PUBLIC HEALTH,
SAFETY AND WELFARE
TELEPHONE: (808) 547-7002
FAX: (808) 527-5737
EMAIL: dmdelacruz@honolulu.gov

For Immediate Release
August 15, 2007

Contact: Kimberly Ribellia
Phone: (808) 223-7498

Council Focuses on Rural Oahu Fire Prevention

Measures set standards for maintaining agricultural land prone to fire and looks at ways to better equip rural North Shore fire station

Honolulu: Wildfires in Waialua which have burned over 5000 acres have prompted renewed focus on City efforts to prevent such fires from threatening residential areas and better equip the Waialua fire station with a support tanker.

Bill 64 (2007), introduced by Councilmembers Dela Cruz and Apo, will call upon the Honolulu fire chief to adopt rules requiring owners of agricultural land bordering residential property to maintain a fire-break, area devoid of combustible material, to prevent threats posed by wildfires to rural communities. Similar legislation was introduced in 2002.

"We need to have a serious discussion about how we can provide the best protection for our residents," says Apo.

"We're a rural, farming, community and, therefore, we face unique challenges – this is a way of dealing with one of those challenges in an effective, efficient, manner. This will make our rural communities much safer from wildfires in the long run," states Dela Cruz.

In addition, Councilmember Donovan Dela Cruz introduced Resolution 07-255 calling on the Administration to expedite funding for the expansion and relocation of the Waialua fire station, as well as funding for a new fire tanker. The current fire station cannot accommodate new trucks due to the size and being located in a flood zone.

"These are necessary actions to help prevent and address threats posed by wildfires, and other emergencies, in our rural community. We've been waiting too long for a new station that can handle much needed emergency equipment," says Dela Cruz.

The Council designated over \$3.3 million dollars in the fiscal year 2008 budget for purchase of fire department equipment, including a water tanker and \$50,000 dollars to conduct planning for the relocation of the Waialua fire station.

For more information please contact Councilmember Dela Cruz at dmdelacruz@honolulu.gov, or 223-7498.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____
BILL 64

A BILL FOR AN ORDINANCE

RELATING TO FIRE PROTECTION.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to promote fire safety on and near agricultural land. It does so by establishing, subject to exceptions, a requirement that the owner of land zoned for agricultural use, which land adjoins land zoned for residential use, shall maintain the land free and clear of combustible agricultural waste for a distance from the residential property line prescribed by, and in a manner prescribed by, rules adopted by the fire chief.

SECTION 2. Chapter 20, Revised Ordinances of Honolulu 1990, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

"Article __. Fire Hazard Areas

Sec. 20-__1 Definitions.

For purposes of this article, the following terms shall have the following meanings:

"City" includes any city officer or employee designated by the mayor to carry out the provisions of this article.

"Combustible agricultural waste" means vegetative and/or animal husbandry wastes which conform to one or more combustible fuel models established in the rules adopted by the fire chief pursuant to Section 20-__2.

"Fire chief" means the fire chief of the City and County of Honolulu.

"Land zoned for agricultural use," means land zoned under Chapter 21 in the AG-1 restricted agricultural or AG-2 general agricultural district.

"Land zoned for residential use," means land zoned under Chapter 21 in the R-3.5, R-5, R-7.5, R-10, or R-20 residential district; the A-1 low-density, A-2 medium-density or A-3 high-density apartment district; or the AMX-1 low-density, AMX-2 medium density or AMX-3 high-density apartment mixed use district.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE

BILL

64

A BILL FOR AN ORDINANCE

Sec. 20-__2 Clearing of combustible agricultural waste.

- (a) The owner of land zoned for agricultural use, which land adjoins land zoned for residential use, shall maintain the land free and clear of all combustible agricultural waste matter for a distance from the land zoned for residential use prescribed by, and in a manner prescribed by, rules adopted by the fire chief under HRS Chapter 91. A parcel of land shall be deemed to "adjoin" another parcel, even if the two parcels are separated by a right-of-way, provided the right-of-way is less than thirty feet in width.
- (b) If the city determines that a landowner is not in compliance with subsection (a), the city may have the landowner served, by mail or delivery, with a notice of noncompliance and order pursuant to this section.
 - (1) Contents of Notice of Noncompliance. The notice of noncompliance shall include at least the following information:
 - (A) Date of the notice;
 - (B) The name and address on the landowner noticed; and
 - (C) The nature, location and time of noncompliance, including, but not necessarily limited to, the zoning designation of the land upon which the combustible agricultural waste is found, the zoning designation of adjoining lands, and a description of the combustible agricultural waste observed and its location and distance from adjoining land zoned for residential use and rights-of-way.
 - (2) Contents of Order. The order may require that the noticed landowner do any or all of the following:
 - (A) Cease and desist from noncompliance with subsection (a);
 - (B) Correct the conditions of noncompliance at the landowner's own expense before a date specified in the order.

The order shall advise the landowner that the order shall become final 30 days after the date of its mailing or delivery. The order shall also advise that the city's action may be appealed to the city.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____
BILL _____ 64

A BILL FOR AN ORDINANCE

- (3) **Effect of Order—Right to Appeal.** The provisions of the order issued by the city under this section shall become final 30 days after the mailing or delivery of the order. The landowner may appeal the order to the city. However, an appeal to the city shall not stay any provision of the order.
- (4) **Judicial Enforcement of Order.** The city may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section.
- (c) If an owner to whom an order is issued under subsection (b) fails to comply with or appeal the order within 14 days of receipt of a notice of noncompliance and order from the city, the city, or a private party contracted by the city, may enter upon the owner's land to the extent necessary to clear all combustible agricultural waste from the area required under subsection (a) to be clear of such waste. If the city or its contractor clears such waste, the city shall charge the landowner for any costs incurred by the city to clear out the combustible agricultural waste.

Sec. 20-__3 Exceptions.

The fire chief may adopt rules pursuant to HRS Chapter 91 to establish reasonable exceptions to the requirements of Section 20-__2 (a) and the rules adopted thereunder for situations in which:

- (a) There exists a minimal threat of fire to residential structures; or
- (b) Strict compliance with this article would pose a severe hardship to the owner of the land zoned for agricultural use, and the owner agrees to alternative measures proposed by the fire chief to mitigate the threat of fire to residential structures on the adjoining land zoned for residential use."



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 64

A BILL FOR AN ORDINANCE

SECTION 3. This ordinance shall take effect upon its approval; provided that the owners of land zoned for agricultural use shall comply with the requirements of Section 2 of this ordinance and the rules of the fire chief adopted thereunder no later than 60 days following the fire chief's adoption of the rules required under Section 20-2, Revised Ordinances of Honolulu 1990, as enacted by this ordinance.

INTRODUCED BY:

[Handwritten signature]
[Handwritten signature]

DATE OF INTRODUCTION:

AUG 15 2007

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 2007.

MUFI HANNEMANN, Mayor
City and County of Honolulu



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 07-255

RESOLUTION

URGING THE CITY ADMINISTRATION TO STRENGTHEN FIRE PROTECTION SERVICES IN THE WAIALUA AREA OF THE NORTH SHORE OF OAHU.

WHEREAS, during August of 2007, a brush fire in the Waialua area burned over an area of over 5,000 acres; and

WHEREAS, the Waialua area has experienced similar brush fires in the past; and

WHEREAS, it is essential that the North Shore area be provided with a fire department water tanker apparatus in order to facilitate the quick response needed to contain these brush fires before they grow out of control; and

WHEREAS, in the fiscal year 2008 budget, \$3,376,000 has been budgeted for the purchase of fire department equipment, including a water tanker apparatus; and

WHEREAS, the present Waialua fire station must be relocated since it is over 70 years old and is located in a floodway; and

WHEREAS, \$50,000 has been encumbered to conduct the planning necessary for the relocation of the fire station; and

WHEREAS, although additional planning, design and construction monies are needed, no further monies have been budgeted for the Waialua fire station relocation project; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the administration is urged to strengthen fire protection services in the Waialua area of the North Shore of Oahu by:

- (1) Purchasing a fire department water tanker apparatus to service the North Shore area; and
- (2) Expediting the planning, design and construction necessary for the Waialua fire station relocation project;

and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 07-255

RESOLUTION

BE IT FINALLY RESOLVED that a copy of this Resolution be sent to the mayor, managing director, the fire chief, and the director of budget and fiscal services.

INTRODUCED BY:

Danah DeLeon

DATE OF INTRODUCTION:

AUG 15 2007

Honolulu, Hawaii

Councilmembers